

CITY COUNCIL, CITY OF LODI  
CITY HALL COUNCIL CHAMBERS  
DECEMBER 6, 1967

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. of Wednesday, December 6, 1967, in the City Hall Council Chambers.

ROLL CALL Present: Councilmen - BROWN, CULBERTSON, HUNNELL,  
WALTON and KIRSTEN (Mayor)

Absent: Councilmen - None

Also present: City Manager Graves, Assistant City Manager Peterson, City Attorney Mullen and Planning Director Schroeder.

PLEDGE Mayor Kirsten led the Pledge of Allegiance to the Flag.

MINUTES Minutes of November 15, 1967, were approved as written and mailed on motion of Councilman Culbertson, Walton second.

PUBLIC HEARINGS

APPEAL - Mr. Graves reported that the appeal of A. M. Jawad which had been scheduled for public hearing at this meeting had been withdrawn. Mr. Jawad had appealed the decision of the Planning Commission in denying his request for a variance to reduce the driveway length at 27 North Washington Street to permit erection of a 5-unit apartment house. Subsequent revision of the plans for the proposed improvement has removed the nonconforming element so that a variance is no longer necessary.

PLANNING COMMISSION

V. BAKER The Planning Commission approved the request of Mr. Virgil A. Baker for a change in zoning from the R-4 Multiple Family Institutional District to the C-1 Neighborhood Commercial District for the south one-half of the block bounded by Lodi Avenue, Church Street, Chestnut Street and School Street. On motion of Councilman Brown, Walton second, the matter was set for public hearing on December 20, 1967.

The following Planning Commission actions were reported:

1. Denied the request of Mr. John J. Schafer for a variance to reduce the required 6-foot distance between a main building and an accessory building to 3½ feet to permit the enlargement of an existing automobile storage garage at 316 Flora Street in an area zoned R-3, Limited Multiple-Family Residential.
2. Approved the request of Mr. Douglas M. Kort for a variance to reduce the required 50-foot lot width to permit the splitting of an 83-foot wide lot into two parcels, each containing over 5000 square feet, at 900 West Lockeford Street in an area zoned R-2, Single-Family Residential subject to certain conditions.
3. Approved the request of Abel's Upholstery by Mrs. Marcia Childress for a use permit to establish a furniture upholstery shop in conjunction with an interior decorator's shop at 519 West Lodi Avenue in an area zoned C-1, Neighborhood Commercial subject to certain conditions.

Minutes of December 6, 1967, continued

4. Modified the request of A to Z Rentals by Mr. Philip L. Jolly for a variance to erect a 38 square-foot, flush-mounted sign and a 6 square-foot sign on an existing pole on a parcel where no additional signs could be erected at 626 West Lodi Avenue in an area zoned C-1, Neighborhood Commercial.

The Planning Commission took the following actions on this request:

- a. Approved a sign of 44 square feet to be placed on the face of the building at 626 West Lodi Avenue; and
- b. Denied the erection of an additional 6 square-foot sign on an existing pole on the same parcel.

DEVELOPMENT  
STANDARDS FOR  
P-D (1) ZONE  
RESCIND ORD.  
NO. 853

RES. NO. 3127  
ADOPTED

Mr. Graves explained that the development standards for P-D zones should be adopted by resolution rather than by ordinance so he recommended that the Council rescind Ordinance No. 853 which had been introduced at the meeting of November 15, 1967, establishing the development standards for the multiple-family portion of P-D(1) zone at the southeast corner of Lower Sacramento Road and Turner Road as recommended by the Planning Commission. On motion of Councilman Walton, Hunnell second, Ordinance No. 853 was rescinded. He recommended that the Council adopt the development standards by resolution and that the resolution include the development standards for the commercial portion of the same zone, said standards being identical to the requirements of the C-S Commercial Shopping Zone and previously recommended by the Planning Commission. Councilman Walton moved the adoption of Resolution No. 3127 establishing the development standards for the multiple-family portion and the commercial portion of P-D(1) zone as located at the southeast corner of Lower Sacramento and Turner Roads as recommended by the Planning Commission. The motion was seconded by Councilman Brown and carried by unanimous vote.

#### COMMUNICATIONS

APPEAL -  
J. J. SCHAFER

A letter was read from John J. Schafer appealing the decision of the Planning Commission in denying his request for a variance to reduce the required 6-foot distance between the main building and an accessory building to 3-1/2 feet to permit the enlargement of a garage at 316 Flora Street. The matter was set for public hearing on December 20, 1967 on motion of Councilman Brown, Walton second.

APPEAL -  
ST. PETER'S  
LUTHERAN  
CHURCH

An appeal was received from St. Peter's Lutheran Church by Mr. Clint Hoellworth from the decision of the Planning Commission in denying its request for a variance to permit off-street parking in the front yard setback area on Oxford Street and Lower Sacramento Road. The matter was set for public hearing on December 20, 1967 on motion of Councilman Brown, Walton second.

COUNTY RE  
PRECISE PLAN  
FOR LOWER  
SACTO RD

A letter was read from Mr. Carmen Perino, Chairman, County Board of Supervisors, requesting on behalf of the Board that the City contact the County Planning staff and participate in a joint effort in establishing

## Minutes of December 6, 1967, continued

a precise plan for Lower Sacramento Road and on any future planning matter that may involve jurisdiction of the Board of Supervisors. City Manager Graves reported that the City staff is working with the County now in regard to Lower Sacramento Road.

## PRESENTATION OF CERTIFICATES

EMPLOYEES  
COMPLETE  
TRAINING  
COURSE

Mayor Kirsten commended the following City employees for having successfully completed a 24-hour training course for Waste Water Treatment Plant Operator and presented them with certificates in recognition of their achievement: Waldon Klaffke, Alvin C. Inman, Gary Ahart, Vernon Aman, Ray Mittelsteadt, Marvin Miller, Joe Blanke and Eugene Schmoll. Mr. Graves stated that the course had been conducted by Richard Witt, Water and Sewer Supervisor, and had been taken by other persons in addition to the City's employees.

## REPORTS OF THE CITY MANAGER

CLAIMS                      Claims in the amount of \$657,782.55 were approved on motion of Councilman Walton, Hunnell second.

INTENT TO  
ABANDON  
EASEMENT IN  
ELMHAVEN SUBD.  
RES. NO. 3128              A request has been received from Stone Bros. and Associates to abandon the easement between Lots 37 and 38 in the Elmhaven Subdivision. There is a gas line in the easement which Pacific Gas and Electric Company has agreed to abandon without jeopardizing service. The City has no present or future need for this easement. Councilman Walton moved the adoption of Resolution No. 3128 declaring the City's intention to abandon the easement between Lots 37 and 38, Elmhaven Subdivision, and setting public hearing thereon for January 3, 1968. The motion was seconded by Councilman Brown and carried by unanimous vote.

SPECS -  
PUMPER                      Mr. Graves presented the specifications for a pumper for the Fire Department, stating it was scheduled in the Capital Improvement Program and would take a year for delivery. In reviewing the specifications, Councilman Walton questioned the need for the Fire Chief to make three trips to inspect the pumper during its manufacture. After discussion, it was moved by Councilman Hunnell that consideration of the specifications be continued to December 20, 1967. The motion was seconded by Councilman Culbertson and carried.

AWARD -  
CORINTH AVE.  
STREET LIGHTS  
RES. NO. 3129              The following bids on the Corinth Avenue Street Lights have been received:

Steiny & Mitchel, Inc.	\$ 19,973.00
Overhead Electric Co.	15,355.00
Collins Electrical Co.	11,472.00
Graffigna Electric	10,896.00

Mr. Graves recommended that award be made to the low bidder. On motion of Councilman Brown, Culbertson second, the City Council adopted Resolution No. 3129 awarding the contract for the construction of the Corinth Avenue Street Lights to the low bidder, Graffigna Electric, for a total of \$10,896.00.

Minutes of December 6, 1937, continued

BIDS REJECTED -  
GARFIELD ST.  
STORM DRAINBids received on the Garfield Street Storm Drain  
were as follows:

RES. NO. 3130		Alt. No. 1	Alt. No. 2
	Certified Pipe and Const.	95,953.25	-0-
	Danville Pipelines	97,226.00	-0-
	J. L. Scott Co.	98,173.19	97,740.95
	W. M. Lyles	98,599.10	98,599.10
	Kirkwood-Bly	100,460.00	99,017.00
	Stockton Construction	100,564.20	97,453.95
	A. Teichert & Son	-0-	108,309.10
	McGuire & Hester	114,028.00	111,746.50
	Mission Pipeline	119,777.00	118,568.00
	R. Goold & Son	139,310.80	136,092.00

City Manager Graves reported there was an irregularity in the two lowest bids since the pipe manufacturer had not been listed as required by the specifications. Mr. Graves did not feel that failure to list the manufacturer was material to the bid and he recommended that the irregularity be waived and that award be made to the low bidder, Certified Pipe Construction Company, on Alternate No. 1. Mr. Graves explained that this requirement is not usually in the specifications, but had inadvertently been left in because it had been required for Sanitary Outfall Line No. 2. City Attorney Mullen stated the Council could either: Find that the failure to list the manufacturer was not material to the bid; accept the lowest bid conforming to the specifications; or reject the bids. He felt the Council should either accept the lowest bid conforming to the specifications or reject all bids. Councilman Walton moved the adoption of Resolution No. 3130 rejecting the bids on the Garfield Street Storm Drain and authorizing readvertisement for bids. The motion was seconded by Councilman Brown and carried.

AWARD -  
FLATBED TRUCKBids received on the flatbed truck for the Utilities  
Department were as follows:

RES. NO. 3131	Loewen Auto Company	\$3,290.00
	Weil Motors	3,435.12

Mr. Graves stated that one of the dealers had suggested the City consider purchasing stronger back springs and brakes with more braking surface for \$30 more. He recommended awarding the contract to the low bidder plus an additional \$30 for the stronger springs and brakes. In accordance with the City Manager's recommendation, on motion of Councilman Brown, Walton second, the Council adopted Resolution No. 3131 awarding the contract for the flatbed truck to Loewen Auto Company for the amount of the bid plus \$30, making a total of \$3,320.

PURCHASE OF  
POLICE CARS

RES. NO. 3132

City Manager Graves reported that the City would be able to purchase six special police cars through the State and he recommended that the Finance Director be authorized to make the purchase. He said a car is needed for the detectives but he felt a standard car would be adequate for their use. Councilman Hunnell moved the adoption of Resolution No. 3132 authorizing the purchase of six Class A Special Service Vehicles through the State Department of General Services and directing the Director of Finance to sign any documents in connection therewith on behalf of the City. The motion was seconded by Councilman Culbertson and carried.

Minutes of December 6, 1967, continued

DENY STOKELY-  
VAN CAMP RE  
CROSSWALK

The request of Stokely-Van Camp for a mid-block crosswalk and signing thereof was brought up for Council consideration. Mr. Graves stated that the report from City Attorney Mullen indicated that installation of signs and markings would not increase the City's liability, but would increase the chances of the public being contributorily negligent in case an automobile collided with a Cannery lift-truck. After discussion, Councilman Brown moved the adoption of Resolution No. 3133 establishing a midblock crosswalk on Vine Street west of Stockton Street and authorizing installation of signs to alert motorists. The motion was seconded by Councilman Hunnell and failed to carry by the following vote:

Ayes: Councilmen - Brown and Kirsten

Noes: Councilmen - Culbertson, Hunnell  
and Walton

STOKELY-VAN  
CAMP RE  
PARKING SPACE  
MARKINGS ON  
STOCKTON ST

Stokely-Van Camp has also requested that parking space markings be painted on Stockton Street between Vine and Maple Streets. After discussion, it was moved by Councilman Culbertson that couplet type parking stalls be painted on both sides of Stockton Street between Vine and Maple and that the same type of stalls be painted on both sides of Vine Street west of Stockton Street with red no parking zones at the driveways to provide better visibility. The motion was seconded by Councilman Hunnell and carried by unanimous vote.

ABANDON  
HOLLY DRIVE  
MIDBLOCK  
CROSSWALK  
  
RES. NO. 3133

Mr. Aaron Heinrich, principal of George Washington School, has requested the elimination of the midblock school crossing across Holly Drive between Fairmont and Crescent. The Public Works Department conducted an investigation thereon and recommends that the crosswalk be abandoned. On motion of Councilman Culbertson, Brown second, the City Council adopted Resolution No. 3133 abandoning the school crosswalk across Holly Drive between Fairmont and Crescent Avenues.

POLICY -  
SANITARY SEWER  
HOUSE LATERALS

Mr. Graves reviewed the memorandum from the Director of Public Works concerning the City policy for sanitary sewer house lateral maintenance. Present policy is that the property owner is responsible for the maintenance of his house lateral from his residence to the City's main sewer line located in either the public street or easement. If, however, any portion within the public right of way or easement is damaged, the City does the repair at no cost to the property owner. However, there has been some problem in that property owners have been requesting the City to pay for the plumber's service call when it has been determined that the trouble is within the public easement or right of way. In several instances during the past few months the City's insurance company has paid for the service call, but this type of coverage is apparently no longer included in the policy. After discussion, it was moved by Councilman Culbertson that the City reaffirm its policy on sanitary sewer house laterals, as follows:

1. The property owner is responsible for maintenance of his sanitary sewer house lateral to the main sewer line (including rodding, flushing, roto rooters, etc.).

Minutes of December 6, 1967, continued

2. The City will make any necessary repair to the property owner's lateral within an easement or street right of way at no expense to the property owner.

3. The property owner will be responsible for any expense incurred in determining maintenance and/or repair problems within his house lateral.

The motion was seconded by Councilman Brown and carried by unanimous vote.

#### ORDINANCES

BLDG. SETBACK  
ON S. STOCKTON  
BTW HARNEY AND  
KETTLEMAN LANES

ORD. NO. 854  
ADOPTED

ORDINANCE NO. 854, entitled "AN ORDINANCE ESTABLISHING BUILDING SETBACK LINES ON SOUTH STOCKTON STREET WITHIN THE INCORPORATED LIMITS OF THE CITY OF LODI BETWEEN KETTLEMAN LANE AND HARNEY LANE," having been introduced at the regular meeting of November 15, 1967, was brought up for passage on motion of Councilman Brown, Walton second. Second reading was omitted after reading by title, and the ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - BROWN, CULBERTSON, HUNNELL,  
WALTON and KIRSTEN

Noes: Councilmen - None

Absent: Councilmen - None

CATV

ORD. NO. 855  
ADOPTED

ORDINANCE NO. 855, entitled "AN ORDINANCE PROVIDING FOR THE GRANTING OF FRANCHISES FOR COMMUNITY ANTENNA TELEVISION SYSTEMS AND PROVIDING TERMS AND CONDITIONS FOR THE OPERATION OF SUCH COMMUNITY ANTENNA TELEVISION SYSTEMS AND FEES THEREFOR, WITHIN THE CITY OF LODI AND PRESCRIBING CERTAIN PENALTIES," having been introduced at the regular meeting of November 15, 1967 was brought up for passage on motion of Councilman Brown, Culbertson second. Second reading was omitted after reading by title, and the ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - BROWN, CULBERTSON, HUNNELL,  
WALTON and KIRSTEN

Noes: Councilmen - None

Absent: Councilmen - None

DOCUMENTARY  
STAMP TAX

ORD. NO. 856  
ADOPTED

ORDINANCE NO. 856, entitled "AN ORDINANCE OF THE CITY OF LODI IMPOSING A DOCUMENTARY STAMP TAX ON THE SALE OF REAL PROPERTY," having been introduced at the regular meeting of November 15, 1967 was brought up for passage on motion of Councilman Brown, Culbertson second. Second reading was omitted after reading by title, and the ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - BROWN, CULBERTSON, HUNNELL,  
WALTON and KIRSTEN

Noes: Councilmen - None

Absent: Councilmen - None

ADDENDA

CATV  
FRANCHISE

Mr. Reuben Rott, representing Multiview, stated his clients were pleased with the CATV Ordinance. City Attorney Mullen said there were three firms who had expressed interest in the franchise, and asked if the City should call for bids. Mr. Thomas J. Shepard, Bank of America Building, Stockton, representing California Antenna TV, said they would have no objection to public notice calling for bids. He suggested that the Council fix the percentage fee and the bidding be directed to that amount. The subject of calling for bids on the CATV franchise is to be placed on the agenda as soon as the ordinance becomes effective.

M. O. RAY  
HOUSE ON  
WELLSWOOD

Councilman Brown asked why the non-conforming house on Wellswood Avenue owned by Maurice O. Ray, Jr., had not been moved. Mr. Graves said he would look into this matter. He will report to the Council at the next regular meeting.

HAM-LODI  
INTERSECTION

Councilman Hunnell expressed concern over the condition of the Ham Lane-Lodi Avenue intersection. The City Manager said there had been a lot of problems with this project; however, the traffic signals will be in operation by the weekend.

KETTLEMAN LANE  
UNDERPASS

Mayor Kirsten reported on the impending meeting with the State Highway Commission regarding the possibility of getting State Grade Separation Funds for construction of an underpass at the Kettleman Lane crossing of the Southern Pacific main line tracks. He stressed the importance of having the City participate in the costs in its effort to get State funds. Other members of the Council agreed the City should participate.

The Council went into Executive Session for twenty minutes. After the Council reconvened, it was moved by Councilman Walton that the Mayor be authorized to represent the City and report to the State Division of Highways that the City would allot up to \$200,000 for construction of a grade separation at the Kettleman Lane crossing of the Southern Pacific tracks. The motion was seconded by Councilman Brown and carried by unanimous vote.

R. S. FULLER  
REAPPOINTED


Mayor Kirsten recommended that Robert S. Fuller be reappointed to the Board of Trustees of the Northern San Joaquin Mosquito Abatement District. On motion of Councilman Hunnell, Walton second, the City Council reappointed Robert S. Fuller to the Board as recommended for a two-year term expiring December 31, 1969.

BESSIE L.  
BENNETT  
CITY CLERK  
RES. NO. 3134

On motion of Councilman Brown, Culbertson second, the City Council appointed Bessie L. Bennett to succeed Beatrice Garibaldi as City Clerk effective February 1, 1968 and adopted Resolution No. 3134 establishing her salary at \$75 per month.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:55 p.m.

  
ATTEST: BEATRICE GARIBALDI  
City Clerk